

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSIAH KUENZI : CIVIL ACTION
: :
v. : :
: :
EUROSPORT CYCLES, INC., et al : NO. 08-3906

ORDER

AND NOW, this 17th day of May 2011, upon consideration of defendant Capital One's motion for summary judgment, plaintiff Josiah Kuenzi's response thereto and Capital One's reply, it is ORDERED that defendant's motion for summary judgment is GRANTED IN PART and DENIED IN PART as follows:

1. Judgment is ENTERED in favor of defendant Capital One and against plaintiff Josiah Kuenzi with respect to plaintiff's remaining claims.
2. Judgment is ENTERED in favor of defendant Capital One and against plaintiff Josiah Kuenzi with respect to defendant's counterclaim for breach of contract in the amount of \$4,192.72, plus interest at the contractual rate of 1.13538 percent, per diem, from July 30, 2010 through the date of payment of the judgment.
3. Capital One's counterclaim for unjust enrichment is DISMISSED.

The Clerk of Court shall close this case statistically.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.